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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,895	06/20/2003	Mathias Bieringer	10191/3135	6798

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KENYON & KENYON
One Broadway
New York, NY 10004

EXAMINER	
KASENGE, CHARLES R	
ART UNIT	PAPER NUMBER
2121	
MAIL DATE	DELIVERY MODE
10/06/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/600,895	BIERINGER, MATHIAS	
	Examiner	Art Unit	
	CHARLES R. KASENGE	2121	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *20 June 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *20 June 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *10/27/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1. Claim 14 is objected to because of the following informalities: in line 1, "media" should be "medium" to be consistent with claim 15. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-17 rejected under 35 U.S.C. 102(b) as being anticipated by Mouri et al. U.S. Patent 4,564,907. Regarding claims 1, 14 and 16, Mouri discloses a method for controlling the execution of a computer program, having multitasking capability, on a computing element of a controller for at least one of controlling and regulating a system that can take up various possible system states, comprising: subdividing the computer program into a plurality of functionally linked functionalities (col. 9, lines 34-64); defining possible operating states for the functionalities; defining possible system states of the system (col. 12 and 13, lines 48-24 and col. 14, lines 30-46); allocating specifiable operating states to the functionalities for each system state (col. 12 and 13, lines 48-24); ascertaining dependencies of the functionalities on one another, a first functionality being dependent upon a second functionality if at least one input variable of the first functionality is ascertained in the second functionality (col. 9 and 10, lines 34-34); and centrally specifying the operating states required for a certain system state, taking into

consideration the ascertained dependencies among the functionalities and further boundary conditions (col. 9, lines 4-33; col. 13 and 14, lines 34-30).

Regarding claim 2, Mouri discloses the method as recited in claim 1, wherein each of the operating states is defined by an operating state variable which is able to take up various operating state values (col. 12 and 13, lines 48-24).

Regarding claim 3, Mouri discloses the method as recited in claim 2, wherein each of the operating state variables is able to take up operating state values corresponding to "full functionality", "limited functionality" and "no functionality" settings (col. 12 and 13, lines 48-24).

Regarding claim 4, Mouri discloses the method as recited in claim 1, wherein for taking into consideration the ascertained dependencies among the functionalities, staggering in time a processing of the functionalities which characterize the certain system state in such a way that the second functionality is processed before the first functionality, so as to ascertain the at least one input variable of the first functionality (col. 9, lines 4-33; col. 13 and 14, lines 34-30).

Regarding claim 5, Mouri discloses the method as recited in claim 1, wherein for taking into consideration the ascertained dependencies among the functionalities, the at least one input variable for the first functionality is ascertained in a way other than by processing the second functionality (col. 9, lines 4-33; col. 13 and 14, lines 34-30).

Regarding claim 6, Mouri discloses the method as recited in claim 5, further comprising: ascertaining the at least one input variable for the first functionality by at least one of modeling the input variable from other variables, ascertaining a substitute variable, or ascertaining the input variable with using an alternative algorithm (col. 9, lines 4-33; col. 13 and 14, lines 34-30).

Regarding claim 7, Mouri discloses the method as recited in claim 1, wherein the operating states are specified by the functionalities which characterize a certain system state, as a function of at least one fault appearing in the system (col. 9, lines 4-45).

Regarding claim 8, Mouri discloses the method as recited in claim 1, wherein the operating states are specified by the functionalities, which characterize a certain system state, as a function of actual operating states of the functionalities (col. 9, lines 4-45).

Regarding claims 9, Mouri discloses the method as recited in claim 1, further comprising: at least one of controlling and regulating a system in a vehicle using the computer program (col. 11, lines 30-47).

Regarding claims 10, Mouri disclose the method as recited in claim 9, wherein the vehicle is a motor vehicle (col. 11, lines 30-47).

Regarding claims 11, Mouri discloses the method as recited in claim 1, further comprising: at least one controlling and regulating a driving dynamics system in a motor vehicle using the computer program .

Regarding claims 12, Mouri discloses the method as recited in claim 1, further comprising: at least one of controlling and regulating a system in a building using the computer program (col. 11, lines 30-47). The Examiner asserts that a motor vehicle inherently can be operated outside a building or inside a building.

Regarding claim 13, Mouri discloses the method as recited in claim 1, further comprising: controlling or regulating at least one of an alarm system, a heating system, air conditioning system or an access control system in a building using the computer program (abstract).

Regarding claim 15, Mouri discloses the storage medium as recited in claim 14, wherein the set of instructions is stored on one of a read-only memory, a random access memory, or on a flash memory (col. 7, lines 20-26).

Regarding claim 17, Mouri discloses the controller as recited in claim 16, further comprising: means for executing the computer program (col. 7, lines 20-26).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHARLES R. KASENGE whose telephone number is (571)272-3743. The examiner can normally be reached on Monday through Friday, 8:30 - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Albert DeCady can be reached on 571 272-3819. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

CK
June 4, 2008

/Charles R Kasenge/
Primary Examiner, Art Unit 2121